



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,079	07/06/2001	Kirstan Anderson Vandersluis	XAW-0102	5848

25007 7590 10/02/2006

LAW OFFICE OF DALE B. HALLING, LLC  
655 SOUTHPOINTE COURT, SUITE 100  
COLORADO SPRINGS, CO 80906

EXAMINER

NGUYEN, CINDY

ART UNIT PAPER NUMBER

2161

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/900,079

Applicant(s)

VANDERSLUIS, KIRSTAN  
ANDERSON

Examiner

Cindy Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/26/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

. In view of the appeal brief filed on 08/26/05, PROSECUTION IS HEREBY REOPENED. The options set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 1, it is unclear whether "a hierarchical data scheme" at line 14 refers "first hierarchical data scheme" or "second hierarchical data scheme".

It is unclear what the item is being referenced

Regarding claims 1-12, the claims are silent on the required step to realize a system for converting data in a first hierarchical data scheme into a second hierarchical data schema. What the realized is a communication system for communicate between a data source and the dynamic data generation module. That, therefore, renders the claims vague and indefinite.

Regarding claims 18 and 26, it is unclear whether the step (b) "determining for each element of the static extensible markup language template if a datum needs to be dynamically generated", what conditions apply for to be dynamically generated and not for dynamically generated.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

To be statutory, a claimed computer-related process must either: (a) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (b) be limited to a practical application with useful, concrete and tangible result.

The claim recited a method for converting data in a first hierarchical data scheme into a second hierarchical data scheme. In the above limitation, there is no physical transformation being claimed, a practical application would be established by a useful, concrete and tangible result

For it to be a tangible result, it must be more than a thought or a converting and must have a real world value rather than being an abstract idea.

It is unclear as to what kind of tangible output is obtained by using converting program.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Draper Draper et al. (US 6581062) (Draper)

Regarding claim 1, Draper discloses: A system for converting data in a first hierarchical data scheme into a second hierarchical data scheme, comprising fig. 1, Draper):

a template defining the second hierarchical data scheme, wherein a hierarchical data schema is a scheme that groups data and its context (52 and corresponding text, Draper)

a dynamic data generation module contained in the template (50, fig. 1 and corresponding text; and a data source, in communication with the dynamic data generation module, containing data in the first hierarchical data scheme (54, fig. 1 and corresponding text, Draper).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Draper discloses: wherein the template and the dynamic data generation module are contained in a server (col. 8, lines 22-49, Draper).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 2. In addition, Draper discloses: further including a driver connected between the dynamic

data generation module and the data source (as a network connecting between the client and server for transcoding, 706, fig. 14, Draper).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Draper discloses: wherein the template is a static extensible markup language document (col. 6, lines 60-65, Draper).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Draper discloses: wherein the template is an extensible markup language document type definition (col. 6, lines 60-65, Draper).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Draper discloses: wherein the template is an extensible markup language schema (col. 6, lines 60-65, Draper).

Regarding claims 8 and 9, all the limitations of these claims have been noted in the rejection of claim 1 above. In addition, Draper/Bellwood discloses: wherein the first and the second hierarchical data scheme are selected from the group of: extensible markup language schemes, relational databases, non-relational databases, extensible markup language databases and self-describing databases (col. 1, lines 30-65, Draper).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Draper/Bellwood discloses: wherein the dynamic data generation module includes a query directed to the data source (col. 6, lines 60 to col. 7, lines 15, Draper).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Draper/Bellwood discloses: wherein the dynamic data generation module

includes a data mapping between the first hierarchical data scheme and the second hierarchical data scheme (col. 8, lines 60-65, Draper).

**1. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 4, 12-15, 17-23 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draper Draper et al. (US 6581062) (Draper) in view of Prompt et al. (US 6985905) (hereafter Prompt).**

Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 3. However, Draper didn't disclose: further including a developer module contained in the server for creating the dynamic data generation module. On the other hand, Prompt discloses: further including a developer module contained in the server for creating the dynamic data generation module (col. 46, lines 60 to col. 47, lines 6, Prompt). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include further including a developer module contained in the server for creating the dynamic data generation module in the system of Draper as taught by prompt. The motivation being to includes mapping relational database objects and logical

relationships to virtual directory entries that are configured to communicate all respects of the virtual directory structure over the network to the client application.

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Draper/Prompt discloses: wherein the developer module contains a wizard that walks a user through a process of creating the dynamic data generation module (col. 46, lines 35-45).

Regarding claim 13, most of the limitations of this claim have been noted in the rejection of claim 1. In addition, Draper/Bellwood discloses: a) publishing a dynamic template in a server (col. 29, lines 60 to col. 30, lines 10; col. 33, lines 43 to col. 34, lines 10, Prompt);

b) receiving an instruction from a client at the dynamic template (col. 7, lines 17-44, Draper);

c) executing the dynamic template (col. 7, lines 17-44, Draper); and

d) when a dynamic data generation module is executed, performing a data transfer operation that converts data in the first hierarchical data scheme into the second hierarchical data scheme (col. 7, lines 17-55, Draper).

Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 13. In addition, Draper/Prompt discloses: wherein step (a) further includes the steps of:

a1) receiving a template (col. 7, lines 17-55, Draper);

a2) determining for each element of the template if dynamically generated data is required (col. 7, lines 17-55, Draper);



a3) when the dynamically generated data is required, receiving a data source for obtaining the dynamically generated data (col. 7, lines 17-55, Draper).

Regarding claim 15, all the limitations of this claim have been noted in the rejection of claim 13. In addition, Draper/Prompt discloses: further including the steps of:

a4) receiving a data mapping between the first hierarchical data scheme and the second hierarchical data scheme (col. 7, lines 17-55, Draper).

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claim 15. In addition, Draper/Prompt discloses: further including the step of" a5) receiving a key associated with the data mapping (col. 5, lines 13-33, Draper).

Regarding claims 18 and 26, all the limitations of these claims have been noted in the rejection of claims 14 and 15 above. In addition, Draper/Prompt discloses: repeating steps (b) through (d) for every element of the static extensible markup language template to form a dynamic data conversion program (col. 11, lines 17-55, Draper).

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claims 6 and 7 above. It is therefore rejected as set forth above.

Regarding claims 20 and 27, all the limitations of these claims have been noted in the rejection of claims 14 and 15 above, respectively. In addition, Draper/Prompt discloses: wherein step (a) further includes the step of:

al) defining an input parameter (col. 6, lines 1-15, Draper).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 18. In addition, Draper/Prompt discloses: wherein step (c) further includes the step of:

c l) receiving a driver (as a network connecting between the client and server for transcoding, fig. 14, Draper).

Regarding claim 22, all the limitations of this claim have been noted in the rejection of claim 18. In addition, Draper/Prompt discloses: wherein step (c) further includes the step of:

c l) generating a query to the data source (col. 7, lines 17-55, Draper).

Regarding claim 23, all the limitations of this claim have been noted in the rejection of claim 18. In addition, Draper discloses: wherein step (d) further includes the step of:

dl) receiving a screen having a list of elements from the data source and a list of metatags from the static extensible markup language template (col. 29, lines 60 to col. 30, lines 10; col. 33, lines 43 to col. 34, lines 10, Prompt).

Regarding claim 25, all the limitations of this claim have been noted in the rejection of claim 18. In addition, Draper discloses: further including the steps of:

e) publishing the dynamic data conversion program to a server (col. 29, lines 60 to col. 30, lines 10; col. 33, lines 43 to col. 34, lines 10, Prompt);

f) when a query is received at the server for the dynamic data conversion program, executing the dynamic data conversion program to form an extensible markup language document (col. 7, lines 17-55, Draper).

Regarding claim 28, all the limitations of this claim have been noted in the rejection of claim 26 above. In addition, Draper/Prompt discloses: wherein step (d) further includes the steps of:

d2) generating a query (col. 7, lines 17-55, Draper);

dl) receiving a query type (col. 7, lines 17-55, Draper).

Regarding claim 29, all the limitations of this claim have been noted in the rejection of claim 28. In addition, Draper/Bellwood discloses: wherein step (dl) further includes receiving an insert query type (col. 6, lines 1-15, Draper).

**3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Draper Draper et al. (US 6581062) (Draper) in view of Prompt et al. (US 6985905) (hereafter Prompt) and further in view of Povilus (U.S 5740425).**

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claim 18 above. However, Draper/Prompt didn't disclose: wherein step (c) further includes the step of: displaying an incomplete version of a dynamic extensible markup language template wherein a static element is shown in a first color and a dynamic element is shown in a second color. On the other hand, Povilus discloses: wherein step (c) further includes the step of: displaying an incomplete version of a dynamic extensible markup language template wherein a static element is shown in a first color and a dynamic element is shown in a second color (col. 32, lines 45-67, Povilus). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for displaying an incomplete version of a dynamic extensible markup language template wherein a static element is shown in a first color and a dynamic element is shown in a second color in the system of Draper/Bellwood as taught by Povilus. The motivation being to enable the users clearly see the different elements in the templates and easily for mapping information when converting the information between templates, so it can be easily shared between data sources (col. 32, lines 42-67, Povilus).

***Allowable Subject Matter***

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base. The following is a statement of reasons for the indication of allowable subject matter: The following is a statement of reasons for the indication of allowable subject matter: creating a first data mapping between the first hierarchical data schema and an intermediate extensible markup schema; ii) creating a second data mapping between the intermediate extensible markup schema and the second hierarchical data schema as recited in claim 16.

***4. Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gaffin Jeffrey can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Art Unit: 2161

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*cn*  
Cindy Nguyen  
September 23, 2006

*Frantz Coby*  
**FRANTZ COBY**  
**PRIMARY EXAMINER**